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March 18, 2022

VIA ECF

The Honorable Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: National Coalition on Black Civic Participation, et al. v. Wohl, et al., No. 20-cv-8668

Dear Judge Wang:

On behalf of Plaintiffs National Coalition on Black Civic Participation, Mary Winter, Gene Steinberg, Nancy Hart, Sarah Wolff, Karen Slaven, Kate Kennedy, Eda Daniel, Andrea Sferes, and Plaintiff-Intervenor Office of the New York State Attorney General ("Plaintiffs"); and Defendants Jacob Wohl, Jack Burkman, J.M. Burkman & Associates, LLC, and Project 1599 ("Defendants") (collectively, the "Parties"), I write pursuant to Rule 1.e of the Court's Individual Practices to request an extension of the deposition and fact discovery deadline currently set for March 14, 2022 (ECF No. 154 at 2), until May 15, 2022.¹

This is the Parties' second request for an extension of the fact discovery deadline. Plaintiffs, on March 11, 2022, requested an extension of fact discovery until April 30, 2022 (ECF No. 172), and Defendants responded with a request for an extension until May 15, 2022 (ECF No. 175). The Parties subsequently conferred and Defendants agreed to appear for depositions on the following dates: Jack Burkman, in his personal capacity, on April 25, 2022; Jack Burkman, in his capacity as J.M. Burkman & Associates, LLC's Rule 30(b)(6) witness, on April 26, 2022; and Jacob Wohl on May 11, 2022. In light of Defendants' agreement to appear on these specific dates, Plaintiffs consented to join in Defendants' request for an extension of discovery until May 15, 2022. This agreement resolves Plaintiffs' previous request for a discovery extension (ECF No. 172), which is currently pending.

"Good cause" exists because the Parties require this additional time to complete depositions. *See* Fed. R. Civ. P. 16 ("A schedule may be modified only for good cause and with the judge's consent."). Plaintiffs have agreed to request an additional 15 days beyond April 30, 2022, because of Defendants' representation that they are able to appear for depositions on the above dates. Extending discovery until May 15 thus will allow the Parties to complete the contemplated depositions without causing further delay or requiring the Court to resolve any dispute between the Parties.

¹ Robert Manhanian and Message Communications, Inc. do not object to extending the discovery deadline as between Plaintiffs and the other Defendants but would object to a general extension of fact discovery that would include them. To be clear, the Parties do not seek an extension of fact discovery involving Mr. Mahanian and Message Communications.



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Respectfully submitted,

Marc Epstein

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CC: All counsel of record (via ECF)